

REMARKS

Claims

Claims 1-9, 11-12, 15-25, and 29-35 were pending in the application. Claims 1-6, 8, 9, 11, 12, 15-25, 29, 30, and 32 have been amended. Claims 31, and 33-35 have been canceled. Claims 36-39 are new. Claims 1-9, 11-12, 15-25, 29, 30, 32, and 36-39 accordingly are pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Claim Objections

The Examiner objected to claims 2-6, 8, 9, 11, 12, and 15-25 based on informalities. The Examiner stated that "Claim" should read "claim". Applicant has amended the claims accordingly. Applicant respectfully requests removal of the objections to the claims.

35 U.S.C. §103 Rejections

The Examiner rejected claims 1-6, 8, 9, 11, 12, 15-25 and 29-35 under 35 U.S.C. 103(a) as being unpatentable over Mardis (U.S. Patent No. 5,000,079) (hereinafter "Mardis") in view of Peebles (U.S. Patent No. 3,392,874) (hereinafter "Peebles").

In order to reject a claim as obvious, the Examiner has the burden of establishing a prima facie case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178 (C.C.P.A. 1967). To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (Emphasis added). *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claim 1 has been amended to recite:

wherein the substantially planar wire grill portion of the grill comprises an opening defined by one or more wires of the substantially planar wire grill portion of the grill and configured to receive a handle of at least one identical grill when two or more identical grills are stacked, apart from their respective fan housings, and

wherein the handle of the grill and the opening are configured such that, when at least two of the identical grills are stacked, the substantially planar wire grill

portions of the at least two stacked identical grills are substantially parallel, the top of the handle of the lowermost identical grill in the stack is below the corresponding top of the handle of at least one identical grill stacked on the lowermost identical grill, and the handle of the lowermost identical grill passes through the substantially planar wire grill portion of at least one identical grill in the stack such that the handle of the lowermost identical grill can be used to carry the at least two stacked identical grills

Support for the amendments to claim 1 may be found in Applicant's specification at least on page 6, lines 11-20, page 7, line 1 to page 10, line 19, and FIG. 3B.

Mardis discloses a fan 26 that includes a square body (see FIG. 3) and a guard 34. Mardis does not appear to disclose a handle for the guard, let an opening in the guard for receiving the handle of another guard. The Examiner acknowledges that Mardis does not disclose:

- a handle extending out of a substantially planar portion so as to extend away from the surface of the fan housing when the grill is mounted thereon;

- wherein the grill is configured to be stacked with substantially similar grills when apart from the fan housing;

- wherein the substantially planar portion of the grill comprises an opening configured to receive a handle of a substantially similar grill when two or more substantially similar grills are stacked, apart from their respective fan housings, such that the substantially planar portions of the stacked grills are substantially parallel when the grills are stacked;

- wherein the opening is substantially coplanar with the substantially planar portion.

The Examiner relies on Peebles to address the deficiencies in Mardis. Peebles, however, relates to containers for small parts, and not fan systems or grills. Peebles states:

The need for the invention arises where miscellaneous small articles must be carried from place to place in an orderly manner and maintained separated. It is the purpose of the present invention to provide a simplified an inexpensive structure to satisfy the above need. ... The invention is embodied in a plurality of nestable or stackable open-topped, tray-like container...

(Peebles, column 1, lines 18-32)

Peebles disclose "a plurality of nestable or stackable open-topped, tray-like containers which may be compartmented individually". Peebles does not appear to relate to grills of any sort, let alone a grill for mounting on a fan housing. Peebles states:

Each container has a carrying handle projecting upwardly from its bottom and the handles of the several containers in the stack are successively shorter toward the top of the stack and project through openings in the overlying containers so that at the top of the stack a single carrying handle is formed for transporting the entire stack.
(Peebles, column 1, lines 34-39)

The upright portion 17 of each handle is received upwardly through the opening 15 of divider wall 13.... Each handle 16 is preferably quite thin as shown in the drawings so that a number of the handles may be arranged in side-by-side contacting relation to form a single stack carrying handle.
(Peebles, column 2, 34-38)

The hand-grip openings 18 of the several handles will register within the top receptacle 10 so as to form a common or single carrying handle for the entire stack which is convenient to grasp.
(Peebles, column 2, lines 62-67)

Peebles discloses a set of containers in which the overlying containers have openings through which the handles of the underlying containers pass. The lengths of the handles of the various containers vary so that the handles are arranged side-by-side to form a single carrying handle for the entire stack. Thus, In FIG. 1 of Peebles cited by the Examiner, the handles for all of the containers extend to a common height, and the hand-grip openings for all of the handles vertically coincide. Mardis and Peebles, taken alone or in combination with one another, do not teach or suggest a substantially planar wire grill portion of a grill including an opening defined by one or more wires of the substantially planar wire grill portion of the grill. Further, Mardis and Peebles, taken alone or in combination with one another, do not teach or suggest a handle of the grill and an opening configured such that, when at least two identical grills are stacked, substantially planar wire grill portions of the stacked identical grills are substantially parallel, the top of the handle of the lowermost identical grill in the stack is below the corresponding top of the handle of at least one identical grill stacked on the lowermost identical grill, and the handle of the lowermost identical grill passes through the substantially planar wire grill portion of at least one identical grill in the stack such that the handle of the lowermost identical grill can be used to carry the at least two stacked identical grills.

Moreover, Applicant submits that the Examiner has not shown that a person of ordinary skill at the art at the time of the invention would have combined the features of Mardis and Peebles, which relate to different fields from one another. As stated in *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398 (U.S. 2007), “rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal standard of obviousness.” The Examiner must show that “there was an apparent reason to combine the known elements in the fashion claimed.” *Id.* The Examiner’s analysis “should be made explicit.” *Id.* Applicant submits that the Examiner has not shown that a person of ordinary skill in the art at the time of the invention would have combined the features relied upon from Mardis, which relate to a ventilation device for an electronic enclosure, with the features relied upon from Peebles, which relate to containers for transporting small items, to achieve the combination of features recited in claim 1.

For at least the reasons stated above, Applicant respectfully submits claim 1 and claims dependent thereon are allowable. Applicant respectfully requests the Examiner withdraw the rejection to claim 1 and claims dependent thereon.

Amended claims 29, 30, and 32 recite:

wherein the substantially planar wire grill portion of the grill comprises an opening defined by one or more wires of the substantially planar wire grill portion of the grill and configured to receive a handle of at least one identical grill when two or more identical grills are stacked, apart from their respective fan housings, and wherein the handle of the grill and the opening are configured such that, when at least two of the identical grills are stacked, the substantially planar wire grill portions of the at least two stacked identical grills are substantially parallel, the top of the handle of the lowermost identical grill in the stack is below the corresponding top of the handle of at least one identical grill stacked on the lowermost identical grill, and the handle of the lowermost identical grill passes through the substantially planar wire grill portion of at least one identical grill in the stack such that the handle of the lowermost identical grill can be used to carry the at least two stacked identical grills

For at least the reasons stated above with respect to claim 1, Applicant submits that claims 29, 30, and 32 are allowable over the cited art.

New Claims

New claim 36 recites: “wherein the handle of the grill is configured such that, when at least three identical grills are stacked, apart from their respective housings, the handle of the lowermost of the at least three identical grills in the stack passes through the opening in the uppermost of the at least three identical grills in the stack”. The cited art does not appear to teach or suggest this feature of claim 36, in combination with the other features of the claim.

New claim 37 recites: “wherein a carrying portion of the handle of the grill is vertically spaced above the substantially planar wire grill portion of the grill so as to form a vertical gap between the carrying portion of the handle of the grill and the substantially planar wire grill portion of the grill”. The cited art does not appear to teach or suggest this feature of claim 37, in combination with the other features of the claim.

New claim 38 recites: “wherein the handle of the grill comprises a wire, wherein the carrying portion comprises a portion of the wire of the handle of the grill”. The cited art does not appear to teach or suggest this feature of claim 38, in combination with the other features of the claim.

New claim 39 recites: “wherein the handle of the grill is configured such that, when at least three identical grills are stacked, apart from their respective housings, the carrying portion of the handle of the lowermost of the at least three identical grills in the stack is above the substantially planar wire grill portion of the uppermost of the at least three grills in the stack”. The cited art does not appear to teach or suggest this feature of claim 39, in combination with the other features of the claim.

Conclusion

In light of the foregoing amendments and remarks, Applicants submit that all pending claims are in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505\5681-88700.

Respectfully submitted,



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